

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VICTOR and ANGELA PEREZ,
a married couple,

Plaintiffs,

vs.

RITZVILLE MEDICAL
INVESTORS, LLC, a Delaware
corporation d/b/a LIFE CARE
CENTER OF RITZVILLE,

Defendant.

No. CV-07-323-LRS

**ORDER GRANTING
DEFENDANT'S MOTIONS
FOR SUMMARY JUDGMENT**

BEFORE THE COURT are Defendant's Motions For Summary Judgment Re Plaintiff Angela Perez (Ct. Rec. 48) and Re Plaintiff Victor Perez (Ct. Rec. 50). These motions are heard without oral argument.

The Plaintiffs' counsel withdrew from representation in this matter in May 2008. Plaintiffs were provided adequate time to obtain substitute counsel, but were unsuccessful in their efforts. Plaintiffs have proceeded *pro se* since the withdrawal of their counsel and indeed, even participated in a judicial settlement conference in their *pro se* capacities. The complaint of record is an "Amended Complaint For Damages" (Ct. Rec. 16) filed February 6, 2008 by Plaintiffs' former counsel. It alleges the Plaintiffs were retaliated against for their filing of discrimination charges with the Equal Employment Opportunity Commission

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1 (EEOC), in violation of Title VII of the U.S. Code, more specifically 42 U.S.C.
2 Section 2000e-3(a).

3 Plaintiffs were advised of the requirements for responding to a summary
4 judgment motion. (Ct. Rec. 55). They filed papers in response to the Defendant's
5 summary judgment motions (Ct. Rec. 58) which the court has reviewed.

6 Plaintiffs have not complied with LR 7.1(c) in that they did not file a
7 memorandum of points and authorities in response to Defendant's memorandum
8 of points and authorities. Plaintiffs also have not complied with LR 56.1(b)
9 regarding the filing of a responsive statement of facts. Much of the material
10 submitted by Plaintiffs contains inadmissible hearsay which cannot be considered
11 by the court in determining whether summary judgment is proper. Fed. R. Civ. P.
12 56(e).

13 Although summary judgment would be warranted solely on the basis of
14 procedural default, the court has considered Plaintiffs' submissions, to the extent
15 not inadmissible hearsay. Based on those submissions and the submissions of
16 Defendant (memorandum of authorities, statement of facts, and supporting
17 materials), the court concludes there are no genuine issues of material fact which
18 preclude the court from finding as a matter of law that: 1) there is no causal link
19 between the protected activity (filing of the EEOC charges) and alleged materially
20 adverse employment actions because those actions preceded the protected activity
21 (filing of the EEOC charges); and/or 2) any employment actions regarding the
22 Plaintiffs which occurred subsequent to the filing of the EEOC charges were not
23 materially adverse to a reasonable employee (i.e., Plaintiffs were not demoted or
24 terminated; their pay and schedules were not reduced); and/or 3) to the extent any
25 employment actions regarding the Plaintiffs which occurred subsequent to the
26 filing of the EEOC charges were materially adverse to Plaintiffs, the Defendant

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1 had legitimate non-discriminatory reasons for those actions, and those reasons
2 were not a pretext for retaliation.

3 Accordingly, Defendant's Motions For Summary Judgment Re Plaintiff
4 Angela Perez (Ct. Rec. 48) and Re Plaintiff Victor Perez (Ct. Rec. 50) are
5 **GRANTED**. Defendant is awarded judgment on the retaliation claims of both
6 Plaintiffs.

7 **IT IS SO ORDERED.** The District Executive is directed to enter judgment
8 accordingly and forward copies of the judgment and this order to the Plaintiffs and
9 to counsel for Defendant. This file shall be closed.

10 **DATED** this 9th of February, 2009.

11 *s/Lonny R. Suko*

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13 LONNY R. SUKO
14 United States District Judge
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